

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-212—sSB 425

Education Committee

Government Administration and Elections Committee

AN ACT CONCERNING THE STATE EDUCATION RESOURCE CENTER

SUMMARY: This act reconstitutes the State Education Resource Center (the “center”) as a quasi-public agency created to assist the State Board of Education (SBE) in, among other things, programs and activities to promote educational equity and excellence. The act transfers most of the responsibilities of the former center to the newly reconstituted one and gives it most of the same rights, duties, and responsibilities as other quasi-public agencies.

Under prior law, the center was not clearly defined as an entity separate from the State Department of Education (SDE). SBE established it under law, and the Rensselaer Hartford Graduate Center served under contract as the center’s fiduciary (see BACKGROUND).

Under the act, (1) the powers of the center are vested in a 13-member board of directors and (2) the center is subject to existing laws governing state quasi-public agencies.

The act permits the education commissioner to allocate funds to the new center to provide a range of services to local and regional boards of education, SDE, charter schools, state technical high schools, school readiness providers, and other education providers. It deletes a requirement that the center promote and encourage professional development for school paraprofessionals who have instructional duties, leaving this responsibility with SDE (§ 13). It also makes technical and conforming changes (§§ 9 & 14-18).

Also, the act expands who a municipality or board of education can hire or contract with to provide armed school security services to include (1) federal law enforcement officers and (2) police officers who served in other states.

EFFECTIVE DATE: Upon passage

§§ 1 & 2 — STATE EDUCATION RESOURCE CENTER AS A QUASI-PUBLIC AGENCY

The act reconstitutes the center as a quasi-public agency with most of the same rights, duties, and obligations as other quasi-public agencies. Consequently, the center is (1) a body politic and corporate, constituting a public instrumentality and political subdivision of the state and (2) a public educational authority acting for the state. It is not a state department, institution, or agency. The act transfers to the center almost all the former center’s duties.

§ 1 — BOARD OF DIRECTORS

The act establishes a 13-member board of directors, which is vested with the center's powers. The education commissioner, or his designee, is a board member. The remaining members, their appointing authorities, and terms are shown below in Table 1.

Table 1: State Education Resource Center Appointed Members

<i>Appointing Authority</i>	<i>Number of Appointments</i>	<i>Terms</i>
Governor	Four, with the consent of both houses of the General Assembly	Term of office of appointing authority or until a successor is appointed, whichever is longer
SBE	Two, with the consent of both houses of the General Assembly	Same as above
Senate president pro tempore	One	Same as above
Senate majority leader	One	Same as above
Senate minority leader	One	Same as above
House speaker	One	Same as above
House majority leader	One	Same as above
House minority leader	One	Same as above

Initial appointments must be made by August 15, 2014. The board's first meeting must be held by September 15, 2014. Any member who fails to attend 50% of the board's meetings held during a calendar year is deemed to have resigned.

The governor appoints the board's chairperson from among the members, with the advice and consent of both houses of the General Assembly. The chairperson serves at the governor's pleasure.

Quorum, Expenses, and Conflicts of Interest

A majority of board members constitutes a quorum and a majority of the quorum may transact business or exercise any of the center's powers, except two-thirds of the board must vote to adopt proposed procedures, as required by the laws governing quasi-public agencies. Board members do not receive compensation, but are reimbursed for actual and necessary expenses incurred while performing their official duties.

A board member's employment or business relationships are subject to the applicable laws, rules, and regulations on ethics and conflicts of interest. It is not a conflict of interest for a trustee, director, partner, or officer of any firm or corporation, or any individual having a financial interest in a firm or corporation, to serve as a board member, as long as the individual complies with all applicable

provisions of the State Code of Ethics.

Executive Director

The chairperson, with board approval, appoints the center's executive director, who is an employee of the center and paid a salary the board determines. The executive director supervises the center's administrative affairs and technical activities in accordance with the board's directives.

§ 2 — CENTER PURPOSES

The new center has the same overall purpose as the old one under prior law, which is to help the SBE provide programs and activities that promote educational equity and excellence. The activities can include training and professional development seminars; publication of technical materials; research and evaluation; and writing, managing, and administering grants for purposes mentioned below. The center can support programs and activities concerning (1) early childhood education, in collaboration with the Office of Early Childhood; (2) improving school and district academic performance; (3) closing the academic achievement gap between socio-economic subgroups; and (4) other related programs and activities.

For these purposes, the act empowers the center to:

1. have perpetual succession as a body politic and corporate and to adopt bylaws for the conduct of its business;
2. adopt an official seal;
3. maintain an office at a place or places it designates;
4. sue and be sued in its own name;
5. receive and accept anything of value to carry out the act's purposes, subject to any conditions imposed by the contributor;
6. make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under the act, including contracts and agreements for professional services, such as financial consultants, underwriters, and technical specialists;
7. acquire, lease, purchase, own, manage, hold, and dispose of personal property, and enter into agreements with respect to the property on any terms necessary or incidental to carrying out the act's purposes;
8. invest in, acquire, lease, purchase, own, manage, hold, and dispose of real property and lease, convey, or enter into agreements with respect to the property on terms necessary or incidental to carrying out the act's purposes, provided the transactions are subject to approval, review, or regulation by any agency under state laws covering property acquisition, management, or disposal;
9. procure liability or loss insurance for its property and other assets, and to procure insurance for employees;
10. account for and audit funds belonging to the center or any recipients of center funds;
11. hold patents, copyrights, trademarks, marketing rights, licenses, or any

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- other evidence of protection or exclusivity as to any products as defined in the act, issued under state, U.S., or foreign laws;
12. establish advisory committees to assist in accomplishing the stated duties, which may include board members and persons other than members; and
 13. carry out any other activity necessary for the act's purposes.

§ 2 — CENTER EMPLOYEES

The act authorizes the center to employ assistants, agents, and other employees as necessary. It authorizes the center to establish necessary personnel practices and policies, including those related to hiring, promotion, compensation, retirement, and collective bargaining. It specifies that center employees are not state employees under state collective bargaining law. The center has approximately 95 employees and consultants under contract, who are not state employees and, for example, are not in the state employee retirement system (see BACKGROUND).

§ 2 — SCHOOL REFORM RESOURCE CENTER

Under prior law, SDE had to establish a Connecticut School Reform Resource Center either within the former center or by contract through a regional educational service center. The act transfers the responsibility to establish the school reform resource center to the reconstituted center. Like the old center, the new one must serve all public schools in the state and perform duties related to improving student achievement ranging from professional development for teachers and administrators to developing culturally relevant methods for teaching students whose primary language is not English.

§ 2 — PURCHASING, PROCUREMENT AND PERSONAL SERVICE AGREEMENTS

The act subjects the center to the rules, regulations, and restrictions on purchasing, procurement, personal service agreements, or asset control generally applicable to state agencies. These include the laws and related regulations for:

1. issuing purchase orders before incurring a cost (CGS § 4-98);
2. entering into personal service agreements conditions and limitations (CGS §§ 4-212 - 219); and
3. issuing competitive bids or conducting competitive negotiations for contracts for supplies, materials, equipment, and contractual services (CGS §§ 4a-57 & 4e-19).

These rules, regulations, and restrictions apply to the disposal of real property.

§ 3 — BUSINESS PROCEDURES

The act requires the center's board to follow the adoption and notification process provided in state law for quasi-public agencies adopting written procedures. This includes 30-days' notice of a proposed procedure published in the *Connecticut Law Journal*. This notice must include information on when,

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where, and how interested parties can provide their views on the proposal. A quasi-public agency can adopt procedures only by two-thirds vote of the full board's membership.

The center must adopt written procedures for:

1. adopting an annual budget and plan of operations, including a requirement of board approval before the budget or plan takes effect;
2. hiring, dismissing, promoting, and compensating center employees, including adopting an affirmative action policy, and a requirement for board approval before a position may be created or a vacancy filled;
3. acquiring real and personal property and personal services, including a requirement that the board approve any nonbudgeted spending in excess of a limit that the board sets; and
4. contracting for financial, legal, consulting, and other professional services, including a requirement that the center solicit proposals at least once every three years for each service it uses.

§ 4 — ANNUAL BUDGETS

For FY 15, and each fiscal year thereafter, the center must submit a yearly budget, projected revenue statement, and financial audit to the SBE and Education Committee. The act does not state when the budget must be submitted; presumably it must be submitted before the start of the fiscal year.

§§ 5-8 — NEW CENTER PLACED UNDER EXISTING QUASI-PUBLIC LAW

The act reconstitutes the center as a quasi-public agency subject to the laws governing these agencies.

These laws:

1. subject the center's board members to the Code of Ethics for Public Officials;
2. subject the center to biennial audits by the auditors of public accounts;
3. exempt board members, officers, and employees from personal liability when performing their duties, provided the conduct was not wanton, reckless, willful, or malicious; and
4. require annual reports to the governor, auditors of public accounts, and the Program Review and Investigations Committee.

§ 10 — EDUCATION COMMISSIONER MAY ALLOCATE FUNDS TO NEW CENTER

The act permits the education commissioner to allocate funds to allow the center, as reconstituted under the act, to provide the following services it is authorized to provide under existing law: (1) professional development services, (2) technical assistance and evaluation activities, (3) policy analysis and other forms of assistance to local and regional boards of education, SDE, charter schools, the technical high school system, providers of school readiness programs, and other educational entities and providers. The act requires the center to spend

the funds in accordance with procedures and conditions the commissioner prescribes.

§ 11 — TRANSFER OF FUNCTIONS, POWERS, DUTIES, AND OBLIGATIONS TO NEW QUASI-PUBLIC AUTHORITY

The act requires the new center to assume all responsibilities of the former center. The transfer of functions, powers, duties, personnel, and obligations, including, contract obligations, continuance of orders and regulations, effect upon pending actions and proceedings, and the transfer of records and property between the former and the new center are governed by state law on the transfer of power and authority from one agency to a successor agency, including the receipt of federal aid and the transfer of state appropriations.

§ 12 — SPECIAL EDUCATION RESOURCE CENTER

The act requires the new center to maintain the Special Education Resource Center, rather than SBE allowing the center to maintain it. As under prior law, the special education resource center must be maintained with federal funds granted to the state. By law, the education commissioner is authorized to accept any federal funds allotted to the state for these purposes.

§ 19 — ARMED SECURITY OFFICERS AT SCHOOLS

The act expands who a municipality or board of education can hire or contract with to provide armed school security services to include two additional types of former law enforcement officers. It allows them to hire or contract with agents or officers who are retired or separated in good standing from a federal law enforcement agency or an out-of-state police department (PA 14-217, § 254 contains this same provision). Prior law only allowed retired Connecticut state police or Connecticut municipal officers to provide these services.

To qualify, either type of officer must also:

1. meet or exceed Connecticut's Police Officer Standards and Training (POST) Council certification standards to serve as armed security at a school and
2. be a "qualified retired law enforcement officer" as defined in the federal Law Enforcement Officers Safety Act (LEOSA).

Among other things, being qualified under LEOSA means the officer must have either (1) served as a law enforcement officer for 10 or more years or (2) separated from service due to a service-related disability. For both additional categories, the act does not specify who determines whether a retired officer meets or exceeds POST's certification standards (presumably the POST Council will).

BACKGROUND

Fiduciary for State Education Resource Center

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For more than 20 years, SDE has contracted with the Rensselaer Hartford Graduate Center, a private institution of higher education, to act as the fiduciary for the State Education Resource Center. Under the contract, Rensselaer must implement appropriate fiscal controls and accounting in order to properly disburse the center's funds. Rensselaer handles the payroll and benefits for the roughly 95 SERC employees.

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